IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.790 OF 2002

WITH CRIMINAL APPEAL No.635 OF 2002

Mahesh Bhagwan Shinde & ors.... Appellants

vs

State of Maharashtra ... Respondent

Mr.V.M.Thorat with Mr.S.S.Salunkhe for Appellant

Ms.P.H.Kantharia, APP for Respondent

CORAM: D.G.DESHPANDE AND

SMT.ROSHAN DALVI, JJ

DATE : 16th November, 2006

P.C.

1. The appeal filed by accused no. 5 Mahesh Bhagwan Shinde is dismissed. His conviction and sentence is maintained. Appeal Nos. 635 of 2002 filed by the original accused nos. 1 to 4 is allowed,. Their conviction under sections 147,

148, 302 read with sections 149 IPC, 135 (1) of the Bombay Police Act is set aside and they are acquitted of the offence under section 147, 148, 307 read with section 149 IPC, under section 302 read with section 149 IPC, 135 (1) of the Bombay Police Act.

The accused no.1 be released forthwith if not required in any offence. Bail bond of other accused stands cancelled.

(Smt R.S.Dalvi,J) **(D.G.Deshpande, J)**